

Appln. No.: 10/581,501
Amendment Dated March 4, 2009
Reply to Office Action of December 4, 2008

FRZ-112US

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 5. This sheet replaces the original sheet.

Attachment

Remarks/Arguments:

With the present response, claims 1, 2, 4-10, 12-18, 21, and 22 are pending. Claims 3, 11, 19, and 20 have been canceled without prejudice or disclaimer. Claims 13, 15, and 17 have been withdrawn pursuant to a Restriction Requirement. New claims 21 and 22 have been added. Applicant respectfully submits that no new matter has been added.

Drawing objections

The drawings have been objected to for allegedly not showing every feature of the invention specified in the claims. Specifically, the Office Action alleges that the channel (KAN), the gas channel (GKA), the inlet funnel (ELT), the non-return valve (RVC (sic)), the rounded shoulders (SUL), the grooved section (NUT), the recess in the flow rate limiter, and the outer surface (AMA) must be shown or the features canceled from the claims. FIG. 5 has been amended to list all of the above-recited elements, with the exception of the rounded shoulders (SUL), which were recited in claim 11, which has been canceled.

Because each remaining element identified in the Office Action is illustrated and identified in FIG. 5, Applicant respectfully submits requests withdrawal of the objection.

Claim rejections

Claim rejections under 35 U.S.C. §102

Claims 1, 2, 4, 6-10, 12, 14, 16, and 18-20 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,111,994 to Gonzalez ("Gonzalez"). Claims 19 and 20 have been canceled, rendering the rejection of these claims moot.

Claim 1 has been amended to include the features of claim 3. Applicant respectfully submits that amended claim 1 is allowable over Gonzalez because at least the features of claim 3 are not disclosed or suggested by Gonzalez. Claims 2, 4, 6-10, 12, 14, 16, and 18 all ultimately depend from claim 1 and are allowable over Gonzalez for at least the same reasons set forth above with respect to claim 1. Applicant respectfully requests reconsideration and allowance of claims 1, 2, 4, 6-10, 12, 14, 16, and 18.

Claim rejections under 35 U.S.C. §103

Claim 3 stands rejected under 35 U.S.C. §103(a) as unpatentable over Gonzalez in view of U.S. Patent No. 6,076,748 to Resch et al. ("Resch"). The features of claim 3 have been incorporated into amended claim 1, which recites, *inter alia*, a flow rate limiter with a flow body, wherein the flow body is penetrated by at least one channel, through which a fluid can flow,

with an inlet port and an outlet port and is provided with at least one gas channel with a gas intake and a gas outlet port for a gas to be mixed with the fluid emerging from the channel. An inlet funnel is connected to the inlet port. The at least one channel for the fluid and the gas outlet port *open into one plane*.

An exemplary embodiment of the claimed invention is illustrated in FIG. 5, for example, which illustrates the gas outlet port GUF and the flow channel outlet AUS opening into one plane, which is the plane of the bottom of the flow rate limiter DUR.

The Office Action admits that Gonzalez fails to disclose or suggest the feature of the channel and the gas outlet port opening into one plane. Office Action, page 6, para. 23. The Office Action alleges that Resch discloses a flow rate limiter that has an ozone outlet (gas outlet) and a water channel (passage 84) that open into the same plane. *Id.* Applicant respectfully traverses this interpretation of Resch.

Resch discloses that "[i]t is most important to note that the outlet of conduit 32 is located slightly downstream of the gas outlet 20 and the filming surface F." Resch, Col. 11, lines 5-7. Resch FIGS. 2 and 3 clearly illustrate that the end of conduit 32 is not co-planar with the end of the passage in which conduit 32 is inserted.

Resch disclose the importance of the feature of the outlet of conduit 32 being located slightly downstream of the gas outlet 20 and the filming surface F in Col. 11, lines 8-25, in which he states that the outlet of the ozone supplying conduit 32 is downstream of the gas conduit 20 because, "if the ozone were to come into association with the propellant gas within the shell of the nozzle, the ozone would likely come into contact with parts of the nozzle and cause the corrosion thereof." Resch, Col. 11, lines 13-16. Further, "having the outlet of the ozone-supplying conduit outlet be centrally disposed within the gas outlet 20 slightly downstream is that if the outlet is at this location it will cause what may be regarded as the central part of the propellant gas downstream of the outlet to be turbulent, which is important to the instant invention." Resch, Col. 11, lines 20-25.

Applicant respectfully submits that the teaching of Resch that the outlet of conduit 32 is located slightly downstream of the gas outlet 20, along with the analysis of why this is an important feature in Resch's device, teaches away from the claimed feature of the at least one channel for the fluid and the gas outlet port *opening into one plane*.

In light of the fact that the proposed modification of Gonzalez with Resch fails to provide all of the elements of amended claim 1 at least due to the fact that the feature of Resch that is relied upon to support the rejection of original claim 3 is not even present in Resch, as well as the fact that Resch teaches away from the present invention, Applicant respectfully submits that

the proposed modification of Gonzalez with Resch is improper and fails to establish a *prima facie* case of obviousness. Applicant respectfully requests reconsideration and analysis of amended claim 1.

Claim 5 stands rejected under 35 U.S.C. §103(a) as unpatentable over Gonzalez in view of U.S. Patent No. 6,283,329 to Bezaire et al. Claim 5 depends from claim 1 and is allowable of the proposed combinations for at least the same reasons set forth above with respect to amended claim 1. Applicant respectfully requests reconsideration and allowance of claim 5.

Claim 11 stands rejected under 35 U.S.C. §103(a) as unpatentable over Gonzalez in view of U.S. Patent No. 3,556,409 to Johannison. Claim 11 has been canceled, rendering the rejection of the claim moot.

New claim 21

New claim 21 recites, *inter alia*, the flow rate limiter in accordance with claim 1, wherein the gas outlet port terminates independently of the outlet port of the fluid flow channel. Support for claim 21 may be found, for example, in FIGS. 1, 2, 4, 5, and 7, which all illustrate and outlet port GUF of the gas channel GKA that terminates independently of the outlet port AUS of the fluid flow channel KAN. Applicant respectfully submits that no new matter has been added.

Claim 21 is allowable over the applied references for at least the same reasons as claim 1 due at least to the dependence of claim 21 from claim 1. Applicant respectfully requests consideration and allowance of claim 21.

New claim 22

New claim 22 recites, *inter alia*, an assembly for limiting flow rate comprising a receiver having an inlet port and an outlet port for a fluid, wherein the inlet port has a larger cross section than the outlet port. A flow rate limiter is disposed within the receiver between the inlet port and the outlet port. The rate limiter has a flow body, wherein the flow body is penetrated by at least one channel through which the fluid can flow. The channel has a *flow body inlet port having an inlet funnel* and a flow body outlet port. The flow body has at least one gas channel with a gas intake and a gas outlet port for a gas to be mixed with the fluid emerging from the channel.


New claim 22 includes the features of original claims 1 and 7. Applicant respectfully submits that no new matter has been added.

New claim 22 is allowable over the applied references for at least the reason that the applied references fail to disclose or suggest the claimed feature of the channel having a flow body inlet port having an inlet funnel. An exemplary inlet funnel ELT may be found, for example, in FIG. 5. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests consideration and allowance of claim 22.

Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests prompt reconsideration and allowance of the claims. Upon allowance of the claims, Applicant respectfully requests reintroduction and allowance of withdrawn claims 13, 15, and 17.

Respectfully submitted,



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JLC/JEM

Encl: Replacement Sheet for FIGS. 5 and 6a

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